



April 4, 2003

---

---

## ENGROSSED HOUSE BILL No. 1660

---

DIGEST OF HB 1660 (Updated April 3, 2003 12:00 PM - DI 106)

**Citations Affected:** IC 12-10; IC 35-42; IC 35-46.

**Synopsis:** Abuse of an endangered adult. Removes the requirement that the state department of health must request assistance before the division of disability, aging, and rehabilitative services or adult protective services may investigate a report of an endangered adult residing in a health facility. Provides that an endangered adult is not a an adult who is an alcoholic or a drug abuser. Makes battery that results in serious bodily injury to an endangered adult a Class B felony. Makes battery that results in death to an endangered adult a Class A felony. Makes failing to report an abused endangered adult a Class B misdemeanor instead of a Class A infraction. Corrects code cite references.

**Effective:** July 1, 2003.

---

---

### Day, Budak, Becker

(SENATE SPONSORS — LAWSON C, BREAUX)

---

---

January 21, 2003, read first time and referred to Committee on Human Affairs.  
February 10, 2003, amended, reported — Do Pass.  
February 17, 2003, read second time, ordered engrossed. Engrossed.  
February 18, 2003, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 24, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.  
April 3, 2003, amended, reported favorably — Do Pass.

---

---

C  
o  
p  
y

EH 1660—LS 6958/DI 77+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1660

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-10-3-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) **Except as**  
3 **provided in subsection (b)**, as used in this chapter, "endangered adult"  
4 means an individual who is:  
5 (1) at least eighteen (18) years of age;  
6 (2) incapable by reason of mental illness, mental retardation,  
7 dementia, habitual drunkenness, excessive use of drugs, or other  
8 physical or mental incapacity of managing or directing the  
9 management of the individual's property or providing or directing  
10 the provision of self-care; and  
11 (3) harmed or threatened with harm as a result of:  
12 (A) neglect;  
13 (B) battery; or  
14 (C) exploitation of the individual's personal services or  
15 property.  
16 (b) **For purposes of IC 12-10-3-17, IC 35-42-2-1, and**  
17 **IC 35-46-1-13, "endangered adult" means an individual who is:**

EH 1660—LS 6958/DI 77+



C  
o  
p  
y

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, mental retardation, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
- (3) harmed or threatened with harm as a result of:

- (A) neglect;

- (B) battery; or

- (C) exploitation of the individual's personal services or property.

(c) An individual is not an endangered adult solely:

- (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or

- (2) on the basis of being physically unable to provide self care when appropriate care is being provided.

SECTION 2. IC 12-10-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. If an adult protective services unit receives a report alleging that an individual who is a resident of a facility licensed under IC 16-28 is an endangered adult, the adult protective services unit shall immediately communicate the report to the state department of health under IC 16-28-4-1. ~~The division or the adult protective services unit shall perform the other responsibilities concerning endangered adults under section 8 of this chapter only if the state department of health requests the assistance of the division or the adult protective services unit.~~

SECTION 3. IC 35-42-2-1, AS AMENDED BY P.L.222-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A person who knowingly or intentionally touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

- (1) a Class A misdemeanor if:

- (A) it results in bodily injury to any other person;

- (B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of his official duty;

- (C) it is committed against an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty; or

C  
o  
p  
y



- 1 (D) it is committed against a firefighter (as defined in  
 2 IC 9-18-34-1) while the firefighter is engaged in the execution  
 3 of the firefighter's official duty;  
 4 (2) a Class D felony if it results in bodily injury to:  
 5 (A) a law enforcement officer or a person summoned and  
 6 directed by a law enforcement officer while the officer is  
 7 engaged in the execution of his official duty;  
 8 (B) a person less than fourteen (14) years of age and is  
 9 committed by a person at least eighteen (18) years of age;  
 10 (C) a person of any age who is mentally or physically disabled  
 11 and is committed by a person having the care of the mentally  
 12 or physically disabled person, whether the care is assumed  
 13 voluntarily or because of a legal obligation;  
 14 (D) the other person and the person who commits the battery  
 15 was previously convicted of a battery in which the victim was  
 16 the other person;  
 17 (E) an endangered adult (as defined by ~~IC 35-46-1-1~~); **in**  
 18 **IC 12-10-3-2**);  
 19 (F) an employee of the department of correction while the  
 20 employee is engaged in the execution of the employee's  
 21 official duty;  
 22 (G) an employee of a school corporation while the employee  
 23 is engaged in the execution of the employee's official duty;  
 24 (H) a correctional professional while the correctional  
 25 professional is engaged in the execution of the correctional  
 26 professional's official duty;  
 27 (I) a person who is a health care provider (as defined in  
 28 IC 16-18-2-163) while the health care provider is engaged in  
 29 the execution of the health care provider's official duty;  
 30 (J) an employee of a penal facility or a juvenile detention  
 31 facility (as defined in IC 31-9-2-71) while the employee is  
 32 engaged in the execution of the employee's official duty; or  
 33 (K) a firefighter (as defined in IC 9-18-34-1) while the  
 34 firefighter is engaged in the execution of the firefighter's  
 35 official duty;  
 36 (3) a Class C felony if it results in serious bodily injury to any  
 37 other person or if it is committed by means of a deadly weapon;  
 38 (4) a Class B felony if it results in serious bodily injury to a  
 39 person less than fourteen (14) years of age and is committed by a  
 40 person at least eighteen (18) years of age; **and**  
 41 (5) a Class A felony if it results in the death of a person less than  
 42 fourteen (14) years of age and is committed by a person at least

C  
o  
p  
y



eighteen (18) years of age;

**(6) a Class B felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2); and**

**(7) a Class A felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2).**

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer.

SECTION 4. IC 35-46-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) A person who:

(1) believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation as prohibited by this chapter, ~~IC 35-42-2-1(2)(C)~~, **IC 35-42-2-1(a)(2)(C)**, or ~~IC 35-42-2-1(2)(F)~~; **IC 35-42-2-1(a)(2)(E)**; and

(2) **knowingly** fails to report the facts supporting that belief to the division of disability, aging, and rehabilitative services, the adult protective services unit designated under IC 12-10-3, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult;

commits a ~~Class A infraction~~. **Class B misdemeanor.**

(b) An officer or employee of the division or adult protective services unit who unlawfully discloses information contained in the records of the division of disability, aging, and rehabilitative services under IC 12-10-3-12 through IC 12-10-3-16 commits a Class C infraction.

(c) A law enforcement agency that receives a report that an endangered adult is or may be a victim of battery, neglect, or exploitation as prohibited by this chapter, ~~IC 35-42-2-1(2)(C)~~, **IC 35-42-2-1(a)(2)(C)**, or ~~IC 35-42-2-1(2)(F)~~ **IC 35-42-2-1(a)(2)(E)** shall immediately communicate the report to the adult protective services unit designated under IC 12-10-3.

(d) An individual who discharges, demotes, transfers, prepares a negative work performance evaluation, reduces benefits, pay, or work privileges, or takes other action to retaliate against an individual who in good faith makes a report under IC 12-10-3-9 concerning an endangered individual commits a Class A infraction.



C  
o  
p  
y

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1660, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 8, delete "and".

Page 3, line 10, delete "12-10-3-2)." and insert **"12-10-3-2); and (7) a Class A felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2)."**.

Page 3, line 25, after "(2)" insert **"knowingly"**.

and when so amended that said bill do pass.

(Reference is to HB 1660 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 14, nays 0.

C  
o  
p  
y



## COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred House Bill No. 1660, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-10-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) **Except as provided in subsection (b)**, as used in this chapter, "endangered adult" means an individual who is:

- (1) at least eighteen (18) years of age;
- (2) incapable by reason of mental illness, mental retardation, dementia, habitual drunkenness, excessive use of drugs, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and
- (3) harmed or threatened with harm as a result of:
  - (A) neglect;
  - (B) battery; or
  - (C) exploitation of the individual's personal services or property.

(b) **For purposes of IC 12-10-3-17, IC 35-42-2-1, and IC 35-46-1-13, "endangered adult" means an individual who is:**

- (1) at least eighteen (18) years of age;**
- (2) incapable by reason of mental illness, mental retardation, dementia, or other physical or mental incapacity of managing or directing the management of the individual's property or providing or directing the provision of self-care; and**
- (3) harmed or threatened with harm as a result of:**
  - (A) neglect;**
  - (B) battery; or**
  - (C) exploitation of the individual's personal services or property.**

(c) An individual is not an endangered adult solely:

- (1) for the reason that the individual is being provided spiritual treatment in accordance with a recognized religious method of healing instead of specified medical treatment if the individual would not be considered to be an endangered adult if the individual were receiving the medical treatment; or
- (2) on the basis of being physically unable to provide self care

EH 1660—LS 6958/DI 77+



C  
o  
p  
y

when appropriate care is being provided."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1660 as printed February 11, 2003.)

LONG, Chairperson

Committee Vote: Yeas 5, Nays 4.

C  
o  
p  
y

